

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 957 Commercial Motor Vehicles
SPONSOR(S): Ryan
TIED BILLS: **IDEN./SIM. BILLS:** SB 714

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	6 Y, 1 N	Garner	Miller
2) Transportation		Garner	Miller
3) Transportation & Econ. Dev. Apps. (Sub)			
4) Appropriations			
5)			

SUMMARY ANALYSIS

HB 957 requires a new motor vehicle registration and title to be issued for a commercial motor vehicle each time the gross vehicle weight (GVW) changes. Before a new registration or title may be issued, the owner must obtain an affidavit of change from the original or final-stage manufacturer stating that the modified vehicle conforms to federal safety standards.

The bill requires the Department of Highway Safety and Motor Vehicles to revoke the registration and title of any commercial motor vehicle if the GVW indicated on the documents does not match the actual GVW. If a person knowingly operates a commercial motor vehicle after the weight has been changed without notifying DHSMV and submitting an affidavit of change, the bill provides that the person commits a first-degree misdemeanor, punishable by no more than 12 months in jail and up to a \$1,000 fine. Upon a third or subsequent conviction of this violation, the bill provides that the violator will have his or her commercial driver's license revoked.

The bill takes effect October 1, 2003.

[Note: On April 2, 2003 the Highway Safety Subcommittee recommended one amendment that substantially changed the bill and reported the bill favorably as amended. For a description of the amendment, see the AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES section.]

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0957a.tr.doc
DATE: April 3, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|----------------------------------------|-----------------------------------------|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Reduce Government?

The bill imposes new requirements on owners of commercial motor vehicles with respect to registering and titling their vehicles, and penalizes behavior that is currently legal.

Lower Taxes?

According to DHSMV, the bill requires some commercial motor vehicle owners to pay additional license/registration taxes.

Expand individual Freedom?

The bill criminalizes behavior that is currently legal.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Under current law, the Department of Highway Safety and Motor Vehicles (DHSMV) issues commercial motor vehicle registrations and titles that reflect the gross vehicle weight (GVW) of the commercial motor vehicle. If the GVW of a commercial vehicle changes, or is modified, DHSMV will accept changes to registrations and titles in the gross vehicle weight of the commercial vehicle based on the declaration of the owner. Upon such a declaration for an amended registration, DHSMV collects additional license taxes based on the new weight designation, if it is required. Title re-issuance is only required if the owner changes the body of the commercial vehicle. In such a case, the owner must submit a change of body affidavit. Because changes in registration and title are made only upon declaration of the owner, DHSMV does not make revocations based on changes in GVW. Fines are assessed only if the commercial motor vehicle is cited for having a load greater than the declared GVW.

Effect of Proposed Changes

HB 957 requires a new motor vehicle registration and title to be issued for a commercial motor vehicle each time the GVW changes. Before a new registration or title may be issued, the owner must obtain an affidavit of change from the original or final-stage manufacturer stating that the modified vehicle conforms to federal safety standards.

DHSMV is authorized to revoke the registration and title of any commercial motor vehicle if the GVW indicated on the documents does not match the actual GVW. If a person knowingly operates a commercial motor vehicle after the weight has been changed without notifying DHSMV and submitting an affidavit of change, that person commits a first-degree misdemeanor, punishable by no more than

12 months in jail and up a \$1,000 fine. Upon a third or subsequent conviction of this violation, the violator will have his or her commercial driver's license revoked.

C. SECTION DIRECTORY:

Section 1. Requires an amended registration and title and submission of an affidavit of change each time the GVW of a commercial motor vehicle changes; provides penalties.

Section 2. Provides an effective date of October 1, 2003.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

According to DHSMV, the bill will generate additional registration and title revenues, however, the amount is indeterminate because the number of commercial vehicles requiring a revision to registration and title based on GVW changes is unknown.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to DHSMV, the bill will require some commercial motor vehicle owners, who are not currently required to do so, to pay additional title and registration fees to reflect changes in the GVW of their commercial motor vehicles.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

HB 957 does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 2, 2003 the Highway Safety Subcommittee recommended one strike-all amendment that substantially changed the bill, and reported the bill favorably as amended.

The amendment provides that any person engaged in the retrofitting, rebuilding or modifying of commercial trucks, truck tractors or heavy trucks into dump trucks must have evidence of garage liability insurance. The policy must include at least \$1,000,000 combined single-limit liability coverage including bodily injury and property damage protection, and \$500,000 personal injury protection. Evidence of such insurance must be available at all reasonable hours for inspection by any law enforcement officer. The amendment also provides that a person engaged in the retrofitting, rebuilding or modifying of commercial trucks, truck tractors or heavy trucks into dump trucks must ensure that the dump trucks comply with all applicable federal safety standards. Any person violating these provisions commits a second-degree misdemeanor. Any person committing a second violation commits a first-degree misdemeanor. A third or subsequent violation is punishable as a third-degree felony.